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U.S. Application No. 09/748,905 Examiner Laye, Art Unit 2617  
Response to November 30, 2005 Office Action

### **REMARKS**

In response to the Office Action dated November 30, 2005, the Assignee respectfully requests reconsideration based on following remarks. The Assignee respectfully submits that the pending claims already distinguish over the cited documents.

Claims 1-20 are pending in this application, claims 21-29 having been canceled. The United States Patent and Trademark Office (the "Office") objected to claim 4 for an informality. Claim 4 has been amended to address the informality. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Claims 1-13, 15-17, & 18-19 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,249,320 to Schneidewend *et al.* in view of U.S. Patent 6,016,141 to Knudson *et al.* Claims 6 and 12 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Schneidewend* in view of *Knudson* and further in view of U.S. Patent 6,604,240 to Ellis *et al.* Claims 14, 17, and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Schneidewend* in view of *Knudson* and further in view of U.S. Patent 5,812,123 to Rowe *et al.* These rejections are respectfully traversed.

The Assignee respectfully submits that the pending claims would not have been obvious over the cited documents. As explained herein, the pending claims are not obviated by any combination of *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe*. The Assignee thus respectfully submits that the pending claims already distinguish over the cited documents.

### **Telephone Interview with Examiner Laye**

Examiner Laye discussed the claims and the cited documents. A telephone interview was held February 9, 2006 between Examiner Laye, Examiner Chris Kelley, and Scott Zimmerman. During this interview Examiner Laye interpreted *Schneidewend's* "major" channel as a "package," and Examiner Laye interpreted *Schneidewend's* "sub-channels" as "events."

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Examiner Laye thus felt the cited documents obviated the pending claims. The cited documents, however, do not support this interpretation. As this response will explain, the cited document to *Schneidewend* defines an "event" as an individual program on a channel. The textual evidence, then, does not support Examiner Laye's interpretation, so the Assignee respectfully requests reconsideration.

**Rejection of Claims under 35 U.S.C. § 103 (a)**

Claims 1-20 were variously rejected under 35 U.S.C. § 103 (a) as being obvious over various combinations of *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe*. Because any proposed combination of *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe* fails to teach or suggest all the limitations of the independent claims, the *prima facie* cases of obviousness must fail.

According to exemplary embodiments, events are associated to create packages. An electronic programming guide is communicated that has a programming grid simultaneously listing a wrapper associated with each package and each package's associated events. The programming grid also simultaneously lists a start time and a stop time of each event associated with each package. The electronic programming guide has a first mode in which inputs to a navigator scroll from one package to another package. The electronic programming guide has a second mode in which inputs to the navigator scroll from one event to another event within the same package.

Claim 1 provides an example. Claim 1 recites a method for allowing programming providers to offer subscribers programming events. Claim 1 is reproduced below, and independent claims 8, 10, and 15 recite similar features.

1. (Previously Presented) A method for allowing programming providers to offer subscribers programming events, the method comprising:
  - a. associating events to create packages; and

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- b. communicating an electronic programming guide, the electronic programming guide having a programming grid simultaneously listing a wrapper associated with each package and each package's associated events, the programming grid also simultaneously listing a start time and a stop time of each event associated with each package;

the electronic programming guide having a first mode in which inputs to a navigator scroll from one package to another package, and

the electronic programming guide having a second mode in which inputs to the navigator scroll from one event to another event within the same package.

Independent claims 1, 8, 10, and 15 are not obvious. *Schneidewend, Knudsen, Ellis, and Rowe*, whether taken individually or in combination, fail to disclose an electronic programming guide *"having a first mode in which inputs to a navigator scroll from one package to another package."* Also, *Schneidewend, Knudsen, Ellis, and Rowe*, whether taken individually or in combination, fail to disclose the electronic programming guide *"having a second mode in which inputs to the navigator scroll from one event to another event within the same package."* Moreover, none of these documents, whether taken individually or in combination, disclose *"a programming grid simultaneously listing a wrapper associated with each package and each package's associated events,"* as the independent claims recite. Because at least these features are not taught or suggested by any combination of the cited documents, the *prima facie* case for obviousness must fail.

The evidence does not support the Office's interpretation. Examiner Laye is correct — *Schneidewend* discloses expandable major channels. During a telephone interview on February 9<sup>th</sup>, the Office interpreted *Schneidewend's* "major" channel as the claimed term "package," and the Office interpreted *Schneidewend's* "sub-channels" as the claimed term "events." The Office then asserted that the pending claims would have been obvious.

The evidence, however, does not support this interpretation. When the Office interprets *Schneidewend's* "sub-channels" as the claimed term "events," this interpretation is counter to the teachings of *Schneidewend*. The patent to *Schneidewend et al.* defines an "event" as an

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individual program on a channel. Or, in *Schneidewend's* own words, the "EIT contains descriptive lists of programs (events) receivable on the channels listed in the CIT [Channel Information Table]." U.S. Patent 6,249,320 to *Schneidewend et al.* at column 4, lines 22-24 (emphasis added). *Schneidewend's* own words, then, do not support the Office's interpretation.

For at least these reasons, claim 1 is considered allowable over the cited documents. Claims 8, 10, and 15 recite similar features as claim 1 and are considered allowable for at least the same reasons. The dependent claims incorporate these same distinguishing features and are considered allowable for least same reasons as their respective independent base claims.

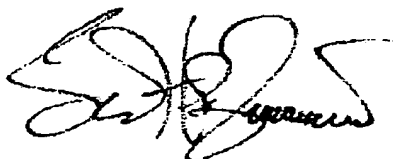
**Rejection of Claims 6, 12, 14, 17 & 20 under § 103 (a)**

Claims 6 and 12 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Schneidewend* in view of *Knudson* and further in view of U.S. Patent 6,604,240 to Ellis *et al.* Claims 14, 17, and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Schneidewend* in view of *Knudson* and further in view of U.S. Patent 5,812,123 to Rowe *et al.* These claims, however, are dependent upon their respective base claims and, thus, incorporate the same distinguishing features. Claims 6, 12, 14, 17, and 20, then, are considered allowable for least same reasons as their respective independent base claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,



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